

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**UNITED STATES OF AMERICA**

*Plaintiff*

**v.**

**DOMINIC FRANSHAW (16)**

*Defendant*

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**1:20-cr-00289-RP-16**

**Order On Petition for Action on Conditions of Pretrial Release**

This matter came before the Court on November 20, 2023, for a hearing on the Pretrial Services Office’s Petition for Action on Conditions of Release dated November 6, 2023 (“Petition”) (Dkt. 785). The revocation proceeding was held in accordance with the Federal Rules of Criminal Procedure and 18 U.S.C. § 3148.

Defendant Dominic Franshaw was ordered released on conditions on March 4, 2021, by the United States District Court for the District of South Carolina. Dkt. 250. On May 25, 2022, this Magistrate Judge denied a previous revocation petition after Defendant submitted urine specimens that returned positive results for marijuana and cocaine and was arrested and charged with Driving Under the Influence 1st–No Breath Alcohol Test, Possession of Marijuana, and Open Container of Beer or Wine in a Motor Vehicle. Dkt. 499. The Court ordered Defendant released to a program of inpatient substance abuse therapy and counseling and into the custody of his father. *Id.*

On September 21, 2023, Defendant pled guilty to Conspiracy to Possess with Intent to Distribute LDS, in violation of 21 U.S.C. §§ 846, 841(a)(1) and 841(b)(1)(C), an offense for which a maximum term of imprisonment of 20 years is prescribed in the Controlled Substances Act. Dkt. 726. Sentencing is set for January 11, 2024. Dkt. 737.

In the instant Petition, the Pretrial Services Officer alleges that Defendant submitted a urine specimen on September 25, 2023 that was confirmed positive for cocaine. Defendant denies use.

The Court has considered the Pretrial Services Report, the Petition, and the arguments of counsel for Defendant and the Government at the revocation hearing. Pursuant to 18 U.S.C. § 3148(b)(1)(B), the Court finds that there is clear and convincing evidence that Defendant has violated condition 7(m) of his release. Based on his history of repeated violations, the Court also finds pursuant to 18 U.S.C. § 3148(b)(2)(B) that Defendant is unlikely to abide by any condition or combination of conditions of release. Because he has been found guilty of an offense described in 18 U.S.C. § 3142(f)(1)(C) and is awaiting imposition of sentence, the Court further finds that Defendant is not eligible for release under 18 U.S.C. § 3143(a)(2).

For these reasons, it is **ORDERED** that the Petition for Action on Conditions of Pretrial Release (Dkt. 785) is **GRANTED**, Defendant's previous release on conditions is **REVOKED**, and Defendant is **HEREBY DETAINED** pending further proceedings in this case.

**Directions Regarding Detention**

Defendant is remanded to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant must be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

**SIGNED** on November 20, 2023.



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SUSAN HIGHTOWER  
UNITED STATES MAGISTRATE JUDGE